

REMARKS

1. Status of the Claims

Claims 1-2, 9-11, 13-14, and 18-19 as herein amended, and claims 3-8, 12, and 15-17 as filed, are pending in the Application. The Applicants believe that the objections and rejections contained in the Office Action have been overcome as discussed below.

2. Correction of Typographical Errors

Applicants have amended claims 2, 13, 14, and 18 to correct typographical errors.

3. Response to Claim Objection

The Examiner has objected to claim 11 because of informalities in which the phrase “remote base station” should recite “remote base station controller.” Applicant has amended claim 11 to recite “remote base station controller” and respectfully requests the Examiner to withdraw the objection.

4. Response to Claim Rejections

The Examiner rejected claims 1, 3-11, and 13-19 under 35 U.S.C. § 102(e) as being anticipated by Haller et al. (U.S. Patent Application Publication No. 2004/0244001). The Examiner further rejected claims 2 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Haller et al. in view of Nakashima. Applicants respectfully traverse the rejections and request favorable reconsideration.

Applicants respectfully disagree with the Examiner’s statement that Haller et al. disclose “detecting particular content . . . and responsively selecting one controller based at least in part on

the particular content of the signal.” (Office Action, page 3). Applicants submit that Haller et al. actually disclose a method allowing “a plurality of resources allocators to allocate use of resources” based on “a characteristic of the resource (e.g., resource occupancy).” (Haller et al., Abstract) (emphasis added). Applicants, in contrast, claim a method and system “wherein the base station controller is selected based upon a characteristic of the [wireless] signal”. (*See, e.g.*, Applicants’ claim 1) (emphasis added). The Examiner indicates that Haller et al. discloses a method in which a base station “passes its call setup information to its control point,” (Haller et al., para. 36, lines 5-6), or “processes call information from wireless users” (Haller et al., para. 37, lines 3-4). Applicants respectfully submit, however, that the Haller et al. method routes such information based upon “a characteristic of the resource,” such as “availability notifications received from the control points,” (Haller et al., para. 36, lines 8-11), and not upon “a characteristic of the [wireless] signal” as claimed by Applicants.

Because Haller et al. do not teach a method or system in which the “base station controller is selected based upon a characteristic of the signal,” (*see, e.g.*, Applicants’ claim 1), the cited reference does not disclose, teach, or suggest each and every element of independent claims 1, 9, 10, and 19.

Although the Applicants respectfully disagree with other statements made by the Examiner in this Office Action, unless required by the Examiner, Applicants will not address the merits of any such statements, which are not conceded. Without addressing the merits of the Examiner’s statements regarding claims 2-8 and 11-18, which are not conceded, Applicants point out that these claims depend from and include all of the limitations of claims 1 and 10, respectively. Therefore, these claims distinguish the cited reference for the same reasons

discussed above with regard to claims 1 and 10. It is respectfully requested that the Examiner withdraw the rejections of these claims.

CONCLUSION

In light of the above amendments and remarks, Applicant submits that the present application is in condition for allowance and respectfully requests notice to this effect. The Examiner is requested to contact Applicant's representative below if any questions arise or if he may be of assistance to the Examiner.

Respectfully submitted,
McDONNEL BOEHNEN
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